

REMARKS

We acknowledge the Examiner's indication that claims 8, 10, 25, 27, 28, 37-42 and 45-49, and 50-65 would be allowable if amended to overcome the Examiner's §112 rejections and where appropriate to be in independent form and to include the features recited in any base or intervening claims.

§112 Rejections

The Examiner rejected claims 1-65 as being indefinite. In particular, the Examiner objects to claims 16, 33, 48, and 64 as being incomplete for omitting essential cooperative relationships of elements. The Examiner has also objected to claims 19, 34, and 50 as being indefinite. We have addressed the Examiner's objections in the amendments to the claims.

Double Patenting Rejection

The Examiner rejected claims 1-3, 6, 7, 9, 11, 12, 15, 18-20, 29, 32, 34-36, 43, and 44 under the judicially created doctrine of obviousness-type double patenting over claims 1-6, 23, and 24 of U.S. 6,752,218. We submit herewith an executed terminal disclaimer.

Prior Art Rejections

The Examiner rejected claims 1-7, 9, 12, 13, 16-24, 26, 29, 30, 32, and 33 under 35 U.S.C. §103 as unpatentable over Hubbard in view of Laughlin. As stated above, applicant has amended independent claims 1 and 18, from which the others depend, to more particularly recite the structural relationships between the elements and steps of the claims. The Examiner believed that Hubbard disclosed all of the features recited in independent claims 1 and 18 except for the fastening device and its recited features. The Examiner cited the Laughlin patent as disclosing such a feature and felt that it would have been obvious to a person of skill in the art to substitute Laughlin's fastening device for the one used by Hubbard.

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We submit that neither Hubbard nor Laughlin, separately or in any proper combination, disclose or suggest a flexible conduit in combination with a fastening device for attaching the fastening device to the T-bar grid of the suspended ceiling, as required by amended claims 1 and 18. Hubbard clearly states that his fire sprinkler assembly utilizes a rigid water pipe support system and is supported from a separate overhead structure (column 5, lines 52-56). Based on Hubbard's specification, it is clear that Hubbard did not contemplate using a fire protection sprinkler support system including a flexible conduit in combination with a fastening device for attaching the fastening device to the T-bar grid of the suspended ceiling and it would not have been obvious for one skilled in the art to provide such an arrangement.

Because claims 2-7, 9, 12, 13, 16 and 17 depend from claim 1 and claims 19-24, 26, 29, 30, 32, and 33 depend from claim 18, these dependent claims are patentable for at least the same reasons that independent claims 1 and 18 are patentable.

Interview Summary

The applicants thank Examiner Ganey for the November 18, 2005 telephone interview between Examiner Ganey and Messrs. Norman MacDonald, Peter MacDonald, Paul Silcox, and applicants' attorney Frank Occhiuti. During the interview, proposed amendments for reciting the structural relationship between the claim elements were discussed.

Respectfully submitted,



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